IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.370 OF 2004

M/s.Ratilal Gokuldas ... Petitioner

vs.

M/s.Disha Textiles. .... Respondent.

Mr.A.C.Mahimkar, for Petitioner.

Mr.Deshmukh i/b. G.S.Godbole, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 23rd August,2005

P.C.:-

1. By this petition, the petitioner challenges the Award made by the sole Arbitrator directing the petitioner to pay certain amount. The only ground which has been raised before me is that the Award is made by the learned Arbitrator without granting any opportunity to the petitioner of being heard. It was submitted that the petitioner applied for time to file written statement but the time was not granted. However, perusal of the petition shows that in the petition nowhere a

statement has been made that before the learned Arbitrator the petitioner had applied for being granted time to file written statement but the learned Arbitrator had rejected that request. Perusal of the Award shows that there was no dispute before the learned Arbitrator that when the goods were accepted by the petitioner, the petitioner did not raise any objection as to the quality of the goods immediately after receiving the goods. The learned Arbitrator therefore, made the Award for payment of price of the goods. I do not find any error committed by the learned Arbitrator in making that Award. Therefore, in my opinion, the Award cannot be disturbed at the hands of this Court in its limited jurisdiction under Section 34 of the Arbitration and Conciliation Act,1996. The petition therefore, fails and is dismissed.